

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE FINE DIAMONDS, LLC,

Debtor.

-----X
MITCH PEYKAR,

Plaintiff,

-v-

GREGORY MESSER,

Defendant.
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11 Civ. 2902 (PAE)

OPINION & ORDER

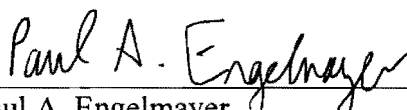
PAUL A. ENGELMAYER, District Judge:

In this involuntary bankruptcy proceeding, *pro se* appellant Mitch Peykar appeals from an order of the United States Bankruptcy Court for the Southern District of New York (Gerber, J.) dated March 15, 2011, entering an order for relief, effective February 26, 2009.

A hearing before this Court was held yesterday, March 22, 2012. Following argument, the Court stated that it would affirm the order for relief, and dismiss Mr. Peykar's appeal. The Court set out on the record its reasons for doing so. These included that Mr. Peykar, who is not a debtor in the bankruptcy proceeding but is instead a defendant in a related adversary proceeding, lacks standing to contest the entry of an order for relief; and that the order for relief was properly granted in the absence of any timely objection to it. The Court incorporated by reference the analysis in Judge Gerber's well-reasoned opinion.

Accordingly, for the reasons set out on the record at yesterday's hearing, the March 15 Order of the Bankruptcy Court is hereby AFFIRMED and Mr. Peykar's appeal is hereby DISMISSED. The Clerk of the Court shall enter judgment accordingly and close the case.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: March 23, 2012
New York, New York